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10/519,112

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Ole Kaae Hansen

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EXAMINER

CLARK, AMY LYNN

ART UNIT

PAPER NUMBER

1655

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/519,112

Applicant(s)

HANSEN, OLE KAAE

Examiner

Amy L. Clark

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 9-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>08/09/2005</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of Group I, Claims 1-8 in the reply filed on 11 July 2006 is acknowledged. The traversal is on the grounds that Applicant argues that claim 9 of group II is improperly restricted out of Group I (claims 1-8) because Group I is directed to a method of making an aqueous extract comprising saponins on the basis of waste product of the Shea Butter tree and claim 9 is directed to the product made using the process of claim 1. Applicant further argues that according to MPEP § 806.05(f): the inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process and Applicant believes that there is no other materially distinct way to make the product of claim 1 because that is how claim 9 is defined and that claim 9 should be properly included in Group I. Applicant further argues that for the same reasons provided here, that Claim 11 of Group IV is improperly restricted out of Group III (Claim 10) because Group III is directed to a method of making an aqueous extract enriched in sapogenins and Claim 11 is drawn to the product made using the process of claim 10. Applicant further argues that the Examiner has improperly applied PCT Rule 13.1, when denying unity of invention in the present application. Applicant further argues that MPEP § 806.02 states: "that for purposes of a decision on the question of restriction, and for this purpose only, the pending claims are ordinarily assumed to be in proper form and patentable (novel and unobvious) over the prior art" and that it appears that the

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Examiner is taking patentability into account when reviewing the groups of inventions under PCT Rule 13.1, which is improper and grounds for traversal.

This is not found persuasive for the reasons set forth in the previous Office Action and for the reasons set forth below.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 1-8, drawn to a method of preparing an aqueous extract comprising saponins on basis of waste product from a shea butter tree.

Group II, claims 9 and 12, drawn to a butter tree extract obtainable by preparing an aqueous extract comprising saponins on basis of waste product from a shea butter tree.

Group III, claim 10, drawn to a method of producing an aqueous extract enriched with saponins.

Group IV, claim 11, drawn to a sapogenin rich extract obtainable by producing an aqueous extract enriched with sapogenins.

Group V, claim 13, drawn to a method of using a butter tree extract as a food additive.

Group VI, claim 14, drawn to a method of using a butter tree extract in the manufacture of a detergent.

Group VII, claim 15, drawn to a method of using a butter tree extract in the manufacture of a cosmetic product.

Group VIII, claim 16, drawn to a method of using a butter tree extract in the manufacture of a pharmaceutical product for topical application.

Group IX, claim 17, drawn to a method of using a butter tree extract in the manufacture of a pharmaceutical product for lowering the level of serum cholesterol in a human being or other mammal.

Group X, claim 18, drawn to a method of using a butter tree extract in the manufacture of a pharmaceutical product for treatment of inflammatory diseases.

Group XI, claim 19, drawn to a method of using a butter tree extract in the manufacture of a pharmaceutical product for systemic administration.

Group XII, claim 20, drawn to a method of using a butter tree extract in the manufacture of a nutritional supplement.

The inventions listed as Groups I-XII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The special technical feature of Group I is a method of preparing an aqueous extract comprising saponins on basis of waste product from a shea butter tree. The special technical feature of Group II is a butter tree extract obtainable by preparing an aqueous extract comprising saponins on basis of waste product from a shea butter tree, which is not required for Group I. The special technical feature of Group III is a method of producing an aqueous extract enriched with sapognins, which is not required for Group I. The special technical feature of Group IV is a sapogenin rich extract obtainable by producing an aqueous extract enriched with sapognins, which is not required for Group I. The special technical feature of Group V is a method of using a butter tree extract as a food additive, which is not required for Group I. The special technical feature of Group VI is a method of using a butter tree extract in the manufacture of a detergent, which is not required for Group I. The special technical feature of Group VII is a method of using a butter tree extract in the manufacture of a cosmetic product, which is not required for Group I. The special technical feature of Group VIII is a method of using a butter tree extract in the manufacture of a pharmaceutical product for topical application, which is not required for Group I. The special technical feature of Group IX is a method of using a butter tree extract in the manufacture of a pharmaceutical product for lowering the level of serum

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cholesterol in a human being or other mammal, which is not required for Group I. The special technical feature of Group X is a method of using a butter tree extract in the manufacture of a pharmaceutical product for lowering the level of serum cholesterol in a human being or other mammal, which is not required for Group I. The special technical feature of Group XI is a method of using a butter tree extract in the manufacture of a pharmaceutical product for treatment of inflammatory diseases, which is not required for Group I. The special technical feature of Group XII is a method of using a butter tree extract in the manufacture of a nutritional supplement, which is not required for Group I. Finally, Claim 1, at least, is anticipated by or obvious over Oura et al. (US Patent Number 4,229,483). Oura teaches a method of preparing an aqueous extract of fine shea nut meal (please note that shea nut meal is a saponin-containing waste product from a shea butter tree and that the shea nut meal is filtered and ground prior to extraction, See column 2, lines 48-51 and lines 55-66) comprising mixing the shea nut meal with a 10-99% (w/v) aqueous ethanol solution, whereby the alcohol solution may be used in an amount of 0.05 to 5 times as much as the volume of shea nut meal (See column 3, lines 29-30 and 33-35) in the presence of an alkali (See column 3, lines 59-668 and continued into column 4, lines 1-8) at a pH of 7.15 or 7.41 (See column 6, table 2) and the solids can be removed by filtration (See column 7, Example 32). Oura does not expressly teach the removal of saponins, however, saponins are inherent to the starting material used by both Oura and Applicant, and the method taught by Oura is the same as that claimed by Applicant. Consequently, the

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special technical feature which links the claims does not provide a contribution over the prior art, so the invention lacks unity.

In response to Applicant's argument that claim 9 of group II is improperly restricted out of Group I (claims 1-8) because Group I is directed to a method of making an aqueous extract comprising saponins on the basis of waste product of the Shea Butter tree and claim 9 is directed to the product made using the process of claim 1 because according to MPEP § 806.05(f): the inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process and Applicant believes that there is no other materially distinct way to make the product of claim 1 because that is how claim 9 is defined and that claim 9 should be properly included in Group I, please note that that the product as claimed can be made by another and materially different process. A butter tree extract may be obtained by a completely different process since, claim 9 constitutes a Product-by-Process type claims. In Product-by-Process type claim, the process of producing the product is given no patentable weight since it does not impart novelty to a product when the product is taught by the prior art. See *In re Thorpe*, 227 USPQ 964 (CAFC 1985); *In re Marosi*, 218 USPQ 289, 292-293 (CAFC 1983) and *In re Brown*, 173 USPQ 685 (CCPA 1972). Consequently, even if a particular process used to prepare a product is novel and unobvious over the prior art, the product *per se*, even when limited to the particular process, is unpatentable over the same product taught in by the prior art. See *In re King*, 107 F.2d 618, 620, 43 USPQ 400, 402 (CCPA 1939); *In*

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*re Merz*, 97 F.2d 599, 601, 38 USPQ 143-145 (CCPA 1938); *In re Bergy*, 563 F.2d 1031, 1035, 195 USPQ 344, 348 (CCPA 1977) *vacated* 438 US 902 (1978); and *United States v. Ciba-Geigy Corp.*, 508 F. Supp. 1157, 1171, 211 USPQ 529, 543 (DNJ 1979). Finally, since the Patent Office does not have the facilities for examining and comparing Applicant's composition with the compositions of the prior art reference, the burden is upon Applicant to show a distinction between the material, structural and functional characteristics of the claimed composition and the composition of the prior art. See *In re Best*, 562 F.2d 1252, 195 USPQ 430 (CCPA 1977). Therefore, a butter tree extract may be obtained by extracting waste from a shea butter tree with water or an aqueous solvent, since the claimed product of claim 9 is simply "a butter tree extract" and does not require any or all of the claimed method steps. Furthermore, MPEP 1893.03(d) states, "A process is "specially adapted" for the manufacture of a product if the claimed process inherently produces the claimed product with the technical relationship being present between the claimed process and the claimed product. The expression "specially adapted" does not imply that the product could not also be manufactured by a different process". This methodology also applies as a response to Applicant's argument that for the same reasons provided here, that Claim 11 of Group IV is improperly restricted out of Group III (Claim 10) because Group III is directed to a method of making an aqueous extract enriched in sapogenins and Claim 11 is drawn to the product made using the process of claim 10.

In response to Applicant's argument that the Examiner has improperly applied PCT Rule 13.1, when denying unity of invention in the present application, wherein



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Applicant further argues that MPEP § 806.02 states: "that for purposes of a decision on the question of restriction, and for this purpose only, the pending claims are ordinarily assumed to be in proper form and patentable (novel and unobvious) over the prior art" and that it appears that the Examiner is taking patentability into account when reviewing the groups of inventions under PCT Rule 13.1, which is improper and grounds for traversal, please note the following. MPEP 1893.03(d) states, "When making a lack of unity of invention requirement, the examiner must (1) list the different groups of claims and (2) explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group", which the Examiner did. MPEP 1893.03(d) further states, "The principles of unity of invention are used to determine the types of claimed subject matter and the combinations of claims to different categories of invention that are permitted to be included in a single international or national stage patent application. See MPEP § 1850 for a detailed discussion of Unity of Invention. **The basic principle is that an application should relate to only one invention or, if there is more than one invention, that applicant would have a right to include in a single application only those inventions which are so linked as to form a single general inventive concept.**

A group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature. **The expression special technical features is defined as meaning those technical features that define the**

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**contribution which each claimed invention, considered as a whole, makes over the prior art.** For example, a corresponding technical feature is exemplified by a key defined by certain claimed structural characteristics which correspond to the claimed features of a lock to be used with the claimed key.” Since there appears to be no contribution over the prior art, unity of the invention is, indeed, lacking. The Examiner did provide evidence of this and explained the reasoning of lack of unity thoroughly and properly.

Applicant's election received on 30 June 2006 of “centrifugation” as Specie B and Applicant's election received on 30 June 2006 of “alkaline buffer” as Specie A and “further concentration by evaporation” as Specie C, with traverse. However, Applicant did not provide any grounds for traversal for the species election. Because applicant did not distinctly and specifically point out the supposed errors in the election of species requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

The requirement is still deemed proper and is therefore made **FINAL**.

Claims 3 and 9-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected inventions, there being no allowable generic or linking claim.

Claims 1-20 are currently pending.

**Claims 1, 2 and 4-8 are under currently under examination.**

### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "Preparation of an aqueous extract of **(type of "waste") of Shea Butter Tree (appropriate Latin name here)** comprising (or containing) saponins". (Please note that the emphasized phrases are simply to draw Applicant's attention to what needs to be replaced in the suggested title with a more specific description).

### ***Claim Objections***

Claim 5 is objected to because of the following informalities: the word "at" found in line 3 between "95 °C" and "a period of between 10 minutes and 5 hours" should be replaced with the word over. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 2 and 4-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The metes and bounds of Claims 1, 2 and 4-8 are uncertain because it is unclear as to the identification of the ingredients to which Applicant intends to direct the subject

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matter. Although the use of common names or traditional/ethanopharmacological names is permissible in patent applications, the standard Latin genus-species name of each ingredient should accompany non-technical nomenclature as a means for identifying the subject botanical as noted in this application. The common name or traditional/ethanopharmacological name may have several different Latin names referring to various genus-species of the plant and it is unclear as to which genus and species Applicant is referring. The lack of clarity renders the claims indefinite since the resulting claims do not clearly set forth the metes and bounds of the patent protection desired. Applicant may overcome the rejection by placing the genus-species name of "Shea butter tree" in parentheses after the term "Shea butter tree".

The metes and bounds of Claims 1, 2 and 4-8 are rendered uncertain by the phrase "A method of preparing an aqueous extract comprising saponins on basis of waste product from a shea butter tree", in lines 1-3 of claim 1 because it is unclear what Applicant means by the phrase "on basis of" and the phrase "waste product from a shea butter tree" since the phrase "on basis of" does not make sense and appears to be a literal translation from a Foreign language into English and the phrase "waste product from a shea butter tree" is non-descriptive and incredibly vague. The phrase "waste product from a shea butter tree" could mean any part of the shea butter tree such as, the bark, the nut, the roots, etc. It is entirely plausible that each of the aforementioned components could potentially be waste products because, for example, if somebody only wanted the nuts from the tree, then that person would most likely consider the bark, leaves, roots, etc. "waste". Furthermore, the metes and bounds of Claim 7 are rendered

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uncertain by the phrase "an extract containing at least 1 weight % dry matter" because it is unclear if Applicant is claiming a solution containing an extract of shea butter tree, wherein if the shea butter tree extract itself is present in the solution in an amount of 1 weight % in the form of dry matter or if the actual extract of the shea butter tree itself contains 1 weight % dry matter. The lack of clarity renders the claims indefinite since the resulting claims do not clearly set forth the metes and bounds of the patent protection desired.

The metes and bounds of Claims 1, 2 and 4-8 are rendered uncertain by the phrase "4-30 parts of water" because the amounts of the ingredients are not set forth in terms of either "by weight" or "by volume" amount of the total composition. The lack of clarity renders the claims indefinite since the resulting claims do not clearly set forth the metes and bounds of the patent protection desired.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Oura et al. (A\*, US 4,229,483), as evidenced by Noller (U, Ann Rev Biochem. 1945; 14: 383-406).

Oura teaches a method of preparing an aqueous extract of fine shea nut meal (please note that shea nut meal is a saponin-containing waste product from a shea butter tree and that the shea nut meal is filtered and ground prior to extraction, See column 2, lines 48-51 and lines 55-66) comprising washing the shea nut meal with water, wherein the amount of water is more than 2.5 times as much as volume of the shea nut meal (See column 3, lines 22-24), mixing the shea nut meal with a 10-99% (w/v) aqueous ethanol solution, whereby the alcohol solution may be used in an amount of 0.05 to 5 times as much as the volume of shea nut meal (See column 3, lines 29-30 and 33-35) in the presence of an alkali, wherein the alkali is used in the form of an aqueous solution (See column 3, lines 59-68 and continued into column 4, lines 1-8), which reads on buffer, at a pH of 7.15 or 7.41 (See column 6, table 2) and the solids can be removed by filtration (See column 7, Example 32), which reads on Claims 1, 2, 4 Oura. Oura does not expressly teach the removal of saponins, however, saponins are inherent to shea nut press cake (See Noller, page 385), which is synonymous with shea nut meal, therefore, the method taught by Oura is one and the same as that claimed by Applicant.

Therefore, the reference anticipates the claimed subject matter.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2 and 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oura et al. (A\*, US 4,229,483), in view of Noller (U, Ann Rev Biochem. 1945; 14: 383-406) and Vogel et al. (V, "Fermentation and Biochemical Engineering Handbook- Principles, Process Design and Equipment (2<sup>nd</sup> Edition)").

The teachings of Oura are set forth above and applied as before. Oura further teaches the washing of the shea nut meal can be carried out at a temperature of 10 to 80 °C (See column 3, lines 19-22) and that treatment with an alcohol solution can be carried out a temperature of 10 to 80 °C or by soaking the shea nut meal in the alcohol solution for a period of 30 minutes to overnight (See column 3, lines 30-39). Oura further teaches that the solution can be treated to 100 to 160 °C for a period of 10 to 60 minutes (See column 3, lines 40-45). Oura further teaches that the solution can be filtered under reduced pressure and after cooling the solution, the shea nut meal may be dried and/or ground (See column 3, lines 55-58). Oura further teaches that the shea nut meal treated by heating is present in a solution in an amount of up to 10% by weight, usually in a range of 0.5-5% by weight and may be used in a large amount (See column 5, lines 2-6).

The teachings of Noller are set forth above and applied as before.

Vogel teaches that solid liquid separation process can be accomplished by filtration or centrifugation (See page 558). Vogel further teaches that evaporation is the removal of a solvent as a vapor from a solution or slurry and that the demanded of an evaporator is to concentrate a feed stream by removing a solvent which is vaporized in

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the evaporator and, for the greatest number of evaporator systems, the solvent is water and that the "bottoms" product is a concentrated solution, a thick liquor, or possibly a slurry and is most usually the desired and valuable product (See page 476).

The teachings of Oura and Noller are set forth above and applied as before.

Oura does not teach an incubation step is performed at a temperature of between 15 and 95 °C and over a period of between 10 minutes and 5 hours, nor does Oura teach removing solids by centrifugation, nor does Oura teach obtaining an extract containing at least 1 % by weight dry matter, nor does Oura teach further concentrating the shea nut meal by evaporation. However, at the time the invention was made, it would have been obvious to one of ordinary skill in the art and one would have been motivated and had a reasonable expectation of success to modify the method as taught by Oura to provide the instantly claimed invention because at the time the invention was made, it was known within the art that upon heating the solution, the solution could be separated from the solids and that the shea nut meal solution could subsequently be dried.

Therefore, it would have been merely a matter of judicious selection to one of ordinary skill in the art at the time the invention was made to modify the referenced composition because it would have been well in the purview of one of ordinary skill in the art practicing the invention to pick and choose a temperature and time period over which a solution is incubated, to pick and choose a method of obtaining a saponin-rich extract of shea nut meal by separating solids from a liquid solution, to pick and choose an amount of dry matter present in an extract and to pick and choose a suitable method for drying the shea nut meal extract, as clearly taught by Oura and Vogel. Furthermore, since



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centrifugation is a suitable alternative to filtration for separating solids from liquids and concentration by evaporation is a suitable method for drying a solution, as was well known in the art at the time the invention was made, as clearly taught by Vogel, the claimed invention is no more than the routine optimization of a result effect variable.

The result-effective adjustment of particular conventional working conditions (e.g., adjusting the amount of time a solution is incubated, to pick and choose a method of obtaining a solution from solids, to pick and choose the amount of dry matter present in an extract and to pick and choose a method for drying an extract) is deemed merely a matter of judicious selection and routine optimization which is well within the purview of the skilled artisan.

Based upon the beneficial teachings of the cited references, the skill of one of ordinary skill in the art, and absent evidence to the contrary, there would have been a reasonable expectation of success to result in the claimed invention.

Accordingly, the claimed invention was prima facie obvious to one of ordinary skill in the art at the time the invention was made, especially in the absence of evidence to the contrary.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy L. Clark whose telephone number is (571) 272-1310. The examiner can normally be reached on 8:30am - 5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terry McKelvey can be reached on (571) 272-0775. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Amy L. Clark  
AU 1655

Amy L. Clark  
July 26, 2006

  
**MICHELE FLOOD**  
**PRIMARY EXAMINER**